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29655-1
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Kamaljit S. Paul

Group Art Unit: 3732

Serial Number: 10/627,137

Examiner: Michael J. Araj

Filed: 07/24/2003

Title: SPINAL PLATE ASSEMBLY

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being submitted in response to the Restriction Requirement dated 08/19/2005 in the above identified application. The examiner identified five allegedly patently distinct species, directed to:

- I FIGURE 1
- II FIGURE 4
- III FIGURE 6
- IV FIGURE 9
- V FIGURE 14.

The examiner required an election of a single species, and a listing of all claims readable thereon.

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313, on September 19, 2005.

Glenn Graham

(Typed name of person mailing paper or fee)

(Signature of person mailing paper or fee)


(Date of Signature)

Applicant hereby elects, with traverse, the species of FIGURE 9. Applicant submits that Claims 1-15, 18-35, and 40-67 read on the elected species.

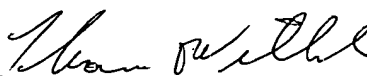
Applicant traverses on the basis that the examiner's statement that Claim 1 is generic is a tacit acknowledgement that all claims are directed to a single invention. Namely, all of the claims which do not read on FIGURE 9, namely Claims 16-17 and 36-39, are dependent from generic Claim 1. Any claim which depends from an allowable generic claim cannot be properly defined as a patentably distinct invention, but is rather a combination claim based on its generic parent claim, and therefore cannot be restricted from examination.

No fee is believed to be due. Should any fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

The examiner is invited to contact the undersigned with any questions, comments or concerns, at the telephone number listed at the end of this document.

Respectfully submitted,
Kamaljit S. Paul

Date: September 19, 2005

By: 
Thomas D. Wilhelm
Attorney for Applicant
(Reg. No. 28,794)

Customer Number: 23482

Wilhelm Law Service, SC
100 W. Lawrence St., 3rd Floor
Appleton, Wisconsin 54911
Telephone: 920-831-0100
Facsimile: 920-831-0101